

Serial No. 10/774,143
Reply to Office Action of November 21, 2005

REMARKS/ARGUMENTS

Prior to this Amendment, claims 17-20 were pending in the application, with claims 17 and 18 being withdrawn as directed to a non-elected species of the invention.

Independent claim 19 is amended to more clearly describe the hinge used to form the enclosure. New claims 21-25, which depend from claim 19, are added to further protect features of the invention not shown by the references of record. No new matter is added by these claim amendments with support found in the originally filed claims, Figures 2-6, and the specification at least at page 6, line 10 to page 9, line 7.

Additionally, independent claim 26 is added along with claims 27-31, which depend from claim 26, to provide coverage of features of the invention not shown by the references of record.

After entry of the Amendment, claims 19-31 are presented for consideration by the Examiner, with claims 17 and 18 being withdrawn from consideration but still pending in the application.

Elections/Restrictions

A restriction requirement was applied to claims 17-20. The Examiner found claims 17 and 18 to be drawn to a single molding step for an enclosure, i.e., drawn to Species A and found claims 19 and 20 to be drawn to molding a hinge to a base and a cover, i.e., drawn to Species B. Applicant provisionally elected to prosecute without traverse the invention of Species B (i.e., claims 19 and 20) in a telephone discussion between the Examiner and Mr. Harrison.

With this Amendment, Applicant affirms this election to prosecute Species B.

Objections to the Specification

In the November 21, 2005 Office Action, the Examiner objected to the title of the invention as not being descriptive. A new title is provided with this Amendment.

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Claim Objections

In the November 21, 2005 Office Action, claims 19 and 20 were objected to because of an informality with the use of "the enclosure" without providing proper antecedent basis. Claim 19 is amended to address this objection.

Claim Rejections Under 35 U.S.C. §102

Further, in the Office Action, claim 19 was rejected under 35 U.S.C. §102(b) as being anticipated by either U.S. Patent No. 6,094,323 ("Tong") or U.S. Patent No. 5,880,904 ("Mizoshita") or U.S. Patent No. 5,587,854 ("Sato"). Initially, it should be noted that no citations are provided for any of these references with reference to each limitation of claim 19, and hence, a proper anticipation rejection has not been stated in the Office Action. However, this rejection is further traversed based on the following remarks:

The method of claim 19 includes providing a base and a cover. The method also includes "molding a hinge formed of a flexible material onto an exterior surface of the base and onto an exterior surface of the cover to mechanically couple the base to the cover such that the hinge forms a portion of an exterior surface of an enclosure defined by the base, the cover, and the hinge." For example, in Figures 2-6 of the application, a hinge 204 is provided along adjacent sides of a cover and a base of an enclosure that is used to house a head stack assembly. As shown in the example of Figure 5, the hinge is flexible and allows the cover to be opened and closed. In contrast, the three cited references each fail to teach the molding called for in claim 19, and hence, these references do not support an anticipation rejection of claim 19.

More specifically, Tong shows a cover 20 that is affixed over chassis 60 to seal plate 70. There is no hinge involved making the external enclosure in Tong. The only discussion of a hinge is hinge assembly 55. As can be seen in Figures 1, 3, and 4 of Tong, the hinge assembly is provided only to allow the door 50 to open

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and close (see also, line 56 of col. 2). There is no teaching in Tong of a hinge of flexible material that is molded to an exterior surface of a cover and of a base.

In Sato, a "case cover 34 is rotatably engaged with the case base 33 by a hinge mechanism 60 provided in each of the side surface portion 34a" (see, col. 8, lines 44-46). As shown in Figures 9 to 11A, the hinge mechanism 60 is a pair of protruding pins that protrude from sides of a base 33 and that are mated with interior, recessed surfaces in the cover 34. Hence, Sato fails to teach molding a hinge of flexible material to a cover AND to a base. Further, Sato fails to teach that the hinge is molded onto exterior surfaces of both the base and cover. Yet further, Sato fails to show that the hinge mechanism 60 "forms a portion of an exterior surface of an enclosure" as called for in claim 19, but it instead shows that the hinge mechanism or pins 60 are internal to the enclosure as they are covered by cover 34 (as shown in Figures 9 and 10). For these reasons, Sato fails to anticipate the method of claim 19.

Mizoshita also provides no teaching of the hinge molding process of claim 19. Applicant searched the text of this reference for "hinge" but found no use of this term. The assembly in Mizoshita shows "two bands of connecting portions 40c, 40d by which the lower first body portion 40a and the upper second portion 40b are coupled with each other" as described at col. 12, lines 39-43 with reference to Figure 7, but these connecting portions 40c, 40d are not molded to exterior surfaces of a cover and a base. Applicant requests that the Examiner provide specific citations to Mizoshita that read on the molding element of claim 19 or withdraw the rejection of claim 19 based on Mizoshita.

New independent claim 26 is believed allowable over these three references at least for the reasons provided for claim 19, and this claim further clarifies that the base, cover, and hinge are all formed from plastic and includes further definition of the base and cover.

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Claims 21-25 depend from claim 19 and are believed allowable as depending from allowable base claim. Further, each of these claims includes additional limitations that are not shown by any of these three references. Similarly, claims 27-31 depend from claim 26 and are believed allowable as depending from an allowable base claim. As with claims 21-25, each of these claims presents an additional limitation relative to claim 26 that is not shown by the cited references. Hence, these dependent claims are believed allowable over each of the references considered in isolation or in combination.

Claim Rejections Under 35 U.S.C. §103

Additionally, in the November 21, 2005 Office Action, claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over either Tong or Mizoshita or Sato in view of JP 10120065 A ("Yamamoto"). Tong, Mizoshita, and Sato are all described as failing to show the insert molding step of claim 20, and Yamamoto is cited as overcoming these deficiencies in the base references. This rejection is traversed based on the following remarks.

Yamamoto is cited for teaching insert-molding for CD cases. However, Yamamoto fails to overcome the deficiencies of Tong, Mizoshita, and Sato discussed with reference to claim 19, and hence, claim 20 is believed allowable as depending from an allowable base claim.


Conclusions

In view of all of the above, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

2/10/06



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